

1 (10:22 A.M.)

2 **THE COURT:** Good morning, everyone. Government,
3 please call the case.

4 **MS. MCGUINN:** Good morning, Your Honor. Assistant
5 United States Attorney Colleen McGuinn on behalf of the
6 Government calling United States of America v. Christopher
7 Bendann. This is Criminal Case No. JKB-23-278. Good morning,
8 Your Honor.

9 **THE COURT:** Good morning, Mr. Flowers.

10 **MR. FLOWERS:** Good morning, Your Honor. Kobie Flowers
11 on behalf of Mr. Bendann. I'm joined at counsel table by
12 co-counsel Mr. Michael Abrams. Good morning.

13 **THE COURT:** Very well. Good morning. And good
14 morning, Mr. Bendann.

15 **THE DEFENDANT:** Good morning, Your Honor.

16 **THE COURT:** You can have a seat.

17 Ms. McGuinn, let me say to both counsel, I have read the
18 Government's Memorandum In Support Of Pretrial Detention, and
19 also have read the materials submitted by the defense in terms
20 of their exhibits. Looks like Exhibits 1 through 6. So I am
21 familiar with those materials, and of course I've read the
22 pretrial services report, again. So feel free to reference any
23 of those things with the knowledge that I've had some time this
24 morning to spend with them.

25 So, Ms. McGuinn, I'll hear from the Government first.

1 **MS. MCGUINN:** Thank you. Your Honor, as noted, the
2 Government is seeking detention in this matter. The Government
3 obviously does so in light of rebuttal or the presumption in
4 favor of detention in this particular case because the
5 Defendant is charged with five counts of child exploitation as
6 well as possession of child pornography.

7 I'm not going to go through all of the facts or background
8 in this case. I know that Your Honor is familiar with that.
9 I'm just going to mostly address the factors under 3142(g).

10 **THE COURT:** Ms. McGuinn, just before you do that --

11 **MS. MCGUINN:** Yes.

12 **THE COURT:** -- just so I'm clear, it does not look as
13 though -- it looks like the exhibit to the Government
14 submission was filed under seal but not the memorandum; is that
15 correct?

16 **MS. MCGUINN:** Correct. One of the exhibits, yes, sir.

17 So as to the factors under 3142(g), Your Honor, we'll
18 first get to the nature and circumstances of the offense as
19 charged. And, quite frankly, the weight of the evidence, they
20 sort of go in tandem in particular in this case.

21 As Your Honor knows, there are five videos charged in this
22 case. They were all found on the Defendant's iCloud and as
23 Your Honor saw in the Government's memorandum, not only were
24 they found in the Defendant's iCloud, they were found in a
25 folder called expunged.

1 As I indicated at the time that I drafted this memo, Apple
2 has told us that an expunged folder is not created by the user,
3 but it's created by Apple. In other words, when the user, on
4 their iPhone, deletes a file and then deletes it from the
5 device, in the iCloud it moves to an automated file called
6 expunged. And it is clear in this case that the Defendant
7 attempted to obstruct justice and delete the evidence in this
8 case.

9 He had some leeway because he was placed on administrative
10 leave from Gilman School, and he wasn't charged by the state of
11 Maryland until February 3rd. He had almost two weeks. And the
12 evidence, so far, supports exactly what minor victim indicated,
13 that the Defendant told him he was going to delete everything.

14 **THE COURT:** Ms. McGuinn, understanding the description
15 from Apple as to how items wind up in that folder, do the items
16 or the information obtained tell us exactly the dates that the
17 information was deleted?

18 **MS. MCGUINN:** No. And, in fact, we asked that. And
19 all that we know -- I don't know if Your Honor has an iPhone, I
20 just know that I do and a lot of other people. When you delete
21 a photo from your photo library, it goes into a deleted file on
22 your phone, and then you can go into that and delete it again.
23 And then it goes into the expunged folder. There is no way, at
24 this point, for Apple to tell when that transaction occurred.
25 But the expunged folder does not exist in infinity. In fact,

1 it ultimately will clean itself out, vacuum and make room for
2 more. The iCloud, as you know, doesn't have unlimited space.

3 So the best that Apple could tell us is it was within the
4 last 30 days, but they don't know an exact date.

5 **THE COURT:** Well, that's 30 days from --

6 **MS. MCGUINN:** From the time the preservation letter
7 was sent and froze the account.

8 **THE COURT:** And when was the date of the preservation
9 letter?

10 **MS. MCGUINN:** January 23rd.

11 **THE COURT:** All right. Very well. Thank you.

12 **MS. MCGUINN:** Sure. Your Honor, as to the five videos
13 themselves -- and I should note that in that expunged file
14 there are dozens and dozens and probably hundreds of images.
15 The Government has obviously not had enough time to go through
16 all of those yet. They are still the subject of an ongoing
17 search of the iCloud as well as the devices. But these are
18 five videos that were found quickly, and per the EXIF data we
19 know that the minor victim was under age at the time.

20 In those videos, Your Honor, they're, quite frankly,
21 striking in that they are exactly what minor victim said when
22 he gave his statement to law enforcement in January.

23 The first video he's 16. He described that the Defendant
24 would sometimes pick him up and in exchange for that ride or
25 getting him home while he was drunk, so maybe his parents

1 wouldn't find out, those sort of things, he would tell him to
2 masturbate. Lo and behold, video one, the victim is 16, he's
3 masturbating inside of the Defendant's car as the Defendant is
4 filming.

5 Video two, same thing except the victim is a little bit
6 older. He is being filmed inside of the Defendant's car, the
7 driver, the Defendant, is flipping on the dome light, on and
8 off, to highlight the victim genitalia.

9 **THE COURT:** All of this he's still a minor.

10 **MS. MCGUINN:** Still 17, all of these he's a minor.

11 The minor victim reported to law enforcement in January,
12 that was how it kind of started that they would do these naked
13 laps, that the Defendant would tell him he owes him; that then
14 it became touch yourself; then it became him, the Defendant,
15 touching him. And we see that advancement in just these five
16 images. And this is only the first five that we have as of
17 right now.

18 Video three, victim is still under age and victim had said
19 sometimes this would happen at a home belonging to a Gilman
20 family that the Defendant was asked to house sit for or babysit
21 for. Lo and behold, video three the victim is in a shower, in
22 a house belonging to a Gilman family -- in fact, one of the
23 exact families he said during his recorded interview. And he's
24 standing in the shower and the Defendant, you can see the
25 Defendant in the glass of the shower holding his phone up as he

1 films minor victim, who is kind of somewhat slumped against the
2 wall and clearly -- and obviously naked because he's in the
3 shower.

4 Video four, the victim same, 17, and again as described,
5 another home, a totally different and separate home in another
6 Gilman family to whom the Defendant was entrusted to watch that
7 house. Minor victim is there. Defendant has him go into the
8 shower. The Defendant, you can see the phone is propped up --
9 the Defendant is full body clothed, reaches in, takes soap and
10 a wash cloth and begins to wash the Defendant, almost like he's
11 a little boy. Holding his hand, telling him where to stand and
12 how to stand. Then he begins to masturbate this teenager.

13 Video five, Your Honor, is very similar, again as minor
14 victim indicated in his statement. Sometimes this occurred at
15 his own home and sure enough the EXIF data bears out at a time
16 when he was 17 years old, at his own home in his own shower,
17 very similar behavior to Count 4. The Defendant reaches into
18 the shower and masturbates the Defendant after washing him and
19 makes the comment of, inquiring whether or not it would be okay
20 if he digitally penetrated the victim's anus.

21 The weight of the evidence, again, kind of goes in tandem
22 with the nature and circumstances of the offenses. It's the
23 Defendant's iCloud. It's in his name. It's in an expunged
24 folder. Minor victim is clearly under the age of 18. The
25 images are clearly sexually explicit.

1 The Defendant once said that this case is that of one
2 victim or one witness's word against his. But it's not
3 anymore. There are five, at this point, within a week of our
4 first ability to really analyze the evidence, there are five
5 images that minor victim was in fact truthful.

6 The history -- excuse me, history and characteristics of
7 the person. The Government has indicated and wrote in the
8 memorandum the Defendant does not have a prior criminal
9 history, but that does not mean detention is not warranted in
10 this case. The Government outlined for Your Honor that there
11 are three, three other minor victims. One of whom is still
12 currently a minor and a student who have made allegations and
13 disclosures that the Defendant did somewhat similar behavior to
14 them. One of whom describes that he woke up to the Defendant
15 performing fellatio on him and that the Defendant then engaged
16 in sex with him. He was inebriated and under age. Or under
17 the age of 18.

18 There are two others who disclose when the Defendant was
19 house-sitting and babysitting them at their parents' request,
20 so in his custody and control, that they woke up in rooms where
21 they had not fallen asleep, now completely naked with a blanket
22 over them. One of them who the Defendant said, "Oh, you were
23 sleep walking and sleep dancing and started taking off your
24 clothes so I just covered you."

25 Those crimes at this point are not federal in nature, but

1 those disclosures have been made and are being investigated by
2 our law enforcement partners.

3 As Your Honor knows there were numerous messages left and
4 investigations done through Gilman that there are students,
5 current and past, who all describe these same grooming
6 behaviors as minor victim. That this Defendant would furnish
7 them with alcohol, that he would pick them up from parties when
8 they were inebriated, and they owed him. So he would bring
9 them to Meadow Wood -- they all say the same thing -- and do
10 naked laps. There were even some photographs submitted from
11 parents of their child or a child's friend in a distance naked
12 because he had been running these naked laps at the Defendant's
13 behest.

14 The Government included in a memorandum some text messages
15 that support that the Defendant would trade these victims,
16 these children, students at his school, if you buy me vape pods
17 or if I buy you vape pods, you owe me, you owe me a photograph.

18 **THE COURT:** Ms. McGuinn.

19 **MS. MCGUINN:** Yes.

20 **THE COURT:** A question on that, and you included some
21 of the screenshots from the text messages, but it was unclear
22 to me whether the text messages included were from any of these
23 other three alleged minor victims or whether it was from
24 another student.

25 **MS. MCGUINN:** It's from another student, Your Honor,

1 and this allegation is simply surrounding the drunk laps or
2 naked laps as we sort of colloquially call them. It's not an
3 allegation of the other three individuals I mentioned.

4 We know from that text message Your Honor sees the
5 Defendant specifically says "You can cover it with your hand if
6 you don't want to run outside." "You can go in the bathroom and
7 do it."

8 Again, this is absolutely, completely consistent with the
9 types of behavior minor victim disclosed.

10 We know that Gilman has actually had conversations with
11 the Defendant in the past telling him to tone it down. Don't
12 babysit these families anymore. You're crossing too many
13 boundaries and stop being so physical with the students.

14 Your Honor, these grooming behaviors that the Defendant
15 has engaged in, while they are not criminal connections, have
16 begun since before 2016 and continued through today. He
17 managed to get minor victim to do further acts and we know
18 these three other children, there are allegations from their
19 disclosures. This pattern of behavior is clearly disturbing
20 and it warrants detention in this matter. He is a danger to
21 children.

22 And lastly, Your Honor, the nature and seriousness and
23 danger of any person in the community if the Defendant were
24 released. As I indicated, we have evidence at this point that
25 he was obstructing the investigation by deleting everything or

1 attempting to do so wherein those images were found in an
2 expunged folder. Again, not just the five that we've charged,
3 dozens and dozens, upon hundreds of images that are being
4 investigated at this point.

5 We have the pretrial services report, Your Honor, where it
6 is noted the Defendant suffers or has suffered from some mental
7 health issues and suicidal ideations. Your Honor, that is a
8 serious concern here, too. The risk has seriously gone up now
9 that it's not just one person's word against his. There are
10 five videos, at a minimum, showing the Defendant sexually abuse
11 a child.

12 His flight risk -- risk of flight certainly increases. I
13 understand he has ties to the community but now that the
14 evidence is much stronger, that risk certainly has increased.

15 More importantly to the Government at this point is the
16 intimidation of witnesses at this point. The Government
17 introduced in its memorandum that the Defendant has used the
18 internet while he was on pretrial release in this very serious
19 case in the state of Maryland. There are allegations of sexual
20 child abuse and rape. And the Defendant went on the internet
21 claiming that these were false and he wants others to know
22 this.

23 He then stood on the steps of the courthouse indicating
24 that Gilman in Baltimore have done their best to defame my
25 character and make my former students question my relationship

1 with them. This is nothing short of gas lighting, that these
2 other children have come forward and said other things that
3 have occurred, or may not be free to say other things that have
4 occurred because the Defendant used his opportunities on
5 pretrial release to expound that this one minor victim is solo,
6 he's the only one, and he has every reason to lie.

7 **THE COURT:** Ms. McGuinn, just a question. My reading
8 of the state court release order did not impose an internet
9 restriction; is that correct?

10 **MS. MCGUINN:** That's true and I'm not alleging that he
11 did. Again, it's the way that he used it, what opportunity he
12 took while he used it.

13 Your Honor, the Defendant has said that the complaining
14 witness, as I indicated, has several reasons to be less than
15 honest. The boldness of that, knowing that these videos exist
16 and knowing that he tried to successfully destroy them is
17 concerning to the Government. Minor victim has been nothing
18 short of terrorized for the last several months with the
19 knowledge that the Defendant is out and about in the community,
20 that he is speaking about the case. That there have been
21 implications of trying to out his name or say his name or imply
22 what his parents do for a living. He's trying very hard to
23 move forward in his young adulthood through college and other
24 things, but yet this is constantly terrorizing him. He is not
25 doing well in that regard and his well-being is constantly

1 threatened every day that the Defendant is in the community.

2 **THE COURT:** So, Ms. McGuinn, let me just ask about
3 that. So I understand you've referenced a statement that
4 Mr. Bendann made on Facebook, I think it was, but in terms of
5 these -- the minor victim having concerns that Mr. Bendann was
6 trying to determine his identity or his parents. Where is that
7 coming from? His parents -- the employment?

8 **MS. MCGUINN:** There have been statements made in court
9 setting and others about implying what his parents do for a
10 living, where they work. Things of that nature. Nothing
11 specific, not their names, but -- but I guess illusions to
12 those things. Enough that the family has grave concerns.
13 Minor victim is aware of all these things. I had an
14 opportunity to meet with him several months ago. He is scared
15 every day that the Defendant is out in the community. And now
16 these allegations have just gotten more serious.

17 The Government maintains -- under the Victim Rights Act,
18 the victim had a right to be here and speak. I will tell you,
19 Your Honor, there are two attorneys in the courtroom, Mr. White
20 and Mr. Silverman, they represent the victim's family. The
21 victim's parents are not here, nor is he, he's at school. But
22 I wanted Your Honor to know they wanted to be here. They are
23 here in spirit. But it is just too difficult for them to hear
24 all of these facts and information.

25 But I can tell Your Honor that they have asked that I

1 express to you they are in favor of pretrial detention. That
2 they believe very strongly that the Defendant needs to be held
3 until we have a trial date for their own well-being and that of
4 their concern for their son certainly.

5 And lastly, Your Honor, as I indicated, although not an
6 official factor under 3142, I do think that Your Honor needs to
7 consider that in this case the Defendant is facing five counts
8 where a 15-year mandatory minimum penalty could be imposed for
9 each with the maximum penalty of 30 and his guidelines are
10 life. All of that taken together, Your Honor, in combination
11 with pretrial services recommendation that the Defendant not be
12 released prior to trial, the Government would ask that Your
13 Honor grant the Government's request and detain the Defendant
14 until we have further proceedings.

15 **THE COURT:** Thank you, Ms. McGuinn.

16 **MS. MCGUINN:** Thank you, Your Honor.

17 **THE COURT:** Mr. Flowers.

18 **MR. FLOWERS:** Thank you, Your Honor. Before I start
19 my argument, I just want to make sure the Court received
20 everything. We've got courtesy copies for the Court. I've
21 already provided a copy to the Government. And the courtesy
22 copies simply have the motion that was filed in response to the
23 Government's motion that was filed yesterday, and it has all
24 six exhibits. I just want to make sure that the Court has that
25 material and, again, I've got a courtesy copy for the Court

1 just in case the Court doesn't since I know this has happened
2 on a pretty rapid time period.

3 **THE COURT:** I'll take the courtesy copy just to
4 compare to what I have sitting in front of me.

5 **MR. FLOWERS:** Very well, Your Honor. May I approach?

6 **THE COURT:** Yes, of course. All right, Mr. Flowers,
7 happy to hear from you.

8 **MR. FLOWERS:** Thank you, Your Honor. The only
9 question before the Court today is whether Mr. Chris Bendann is
10 a danger in the future to someone specifically in the
11 community. The Government yesterday filed a motion and the
12 arguments the Government made both today and on Friday simply
13 focus on danger. They don't focus on flight risk. So I want
14 to make sure we address those arguments. I'm going to go
15 through the 3142(g) factors in addressing those arguments.

16 But from a high level, I think it's very important for the
17 Court to realize that this case has gone on now for six months.
18 I've worked both with the federal prosecutor and the state
19 prosecutor on this case for six months. Mr. Bendann has shown
20 up to every single court hearing for six months. I approximate
21 that that's about 10 court hearings, including the sealed
22 hearings here in front of Judge Gesner. There was also a
23 hearing in front of Judge Maddox. Then he had several hearings
24 out in Baltimore County.

25 Mr. Bendann showed up for all of those hearings and over

1 that six months no witness, certainly not the complaining
2 witness, has ever been put in danger. Quite the contrary.
3 Mr. Bendann has been put in danger at least two times by way
4 that the Government used a SWAT team to arrest him.

5 The first time they used a SWAT team to arrest
6 Mr. Bendann, deeply troubling that they would treat someone
7 that they knew had no criminal record, that they knew had never
8 engaged in any type of criminal misconduct. Once they did that
9 and they brought this SWAT team to his house in the predawn
10 part of the day, when it was still dark, they then -- they did
11 it on a Friday knowing that I could not get down and argue for
12 Mr. Bendann's release.

13 So he had to, for the very first time, go to jail as
14 someone who has been alleged to have engaged in sexual abuse of
15 minors. The Court is very well aware, as the Government is
16 very well aware, when that allegation, when that dark cloud is
17 put on you and you're put into a prison, your life is in
18 danger. And this is not hypothetical. That's exactly what
19 happened to Mr. Bendann.

20 And we fought as best as we could to get him out, Judge
21 Alexander listened to what we had to say. Judge Alexander took
22 into account the fact that when Mr. Bendann, six months ago, in
23 February 2nd, 2023, when he was arrested he was being
24 investigated for the very same crimes for which he now stands
25 charged, child pornography. Nothing has changed.

1 **THE COURT:** But, let me just ask you about that
2 because it seems to me a fair amount has changed since you were
3 before Judge Alexander. For example, I mean, at this point
4 obviously the charges, although the conduct is somewhat the
5 same, the charges have quite an enhanced penalty from what they
6 would have been in the state system, correct?

7 **MR. FLOWERS:** Absolutely, Your Honor.

8 **THE COURT:** There was no presumption of detention at
9 the time of the hearing before Judge Alexander, of course as by
10 congressional statute here, correct?

11 **MR. FLOWERS:** Yes, that's correct, Your Honor.

12 **THE COURT:** There is no corroboration of the minor
13 victim's statements and now we have detailed corroboration in
14 the form of these videos described by Ms. McGuinn.

15 **MR. FLOWERS:** I pushback a little bit on that, but we
16 did not have the videos. There certainly was corroboration.
17 In fact, there were the three complaining witnesses that you
18 read about just recently, those were the three complaining
19 witnesses that were in the state search warrant. Moreover, the
20 three complaining witnesses that were in the state search
21 warrant that now are being brought into the federal case, we've
22 looked at the videos of those complaining witnesses.

23 So what I say is fundamentally this notion that
24 Mr. Bendann could face a federal case and look at serious time,
25 that idea, that notion, has never changed. That --

1 **THE COURT:** But, I mean, wasn't it a week or two ago
2 when there was -- there were public statements about there's no
3 corroborating electronic evidence or no -- let me -- I'll read
4 from your original memo. No physical evidence, no photographic
5 or electronic evidence, no text messages or other electronic
6 communications and no documents. It's a single anonymous
7 person statement. Period. That was the pleading before Judge
8 Alexander.

9 That's not why we are today though.

10 **MR. FLOWERS:** That's not why we are here today. But
11 let's deal with the electronic evidence that we now have, okay.

12 The Government has put forward five videos and said that
13 they were in this expunged file, right? What I do know is that
14 we're not very clear on when those videos were put into the
15 expunged file and the date, quite frankly, that matters for
16 everything here.

17 **THE COURT:** We're pretty clear, right, because
18 according to Apple it goes within the expunged files within 30
19 days of being deleted and the Government's preservation order
20 that Apple received when they froze that file was January 23rd.
21 So don't we know as a matter of technology that that occurred
22 sometime between December 23rd and January 23rd?

23 **MR. FLOWERS:** No, I don't think we do know that.

24 **THE COURT:** I'm sorry, December 22nd and January 23rd.

25 **MR. FLOWERS:** I'll tell you why I don't think we do

1 know that, Judge, is because we haven't had a chance to look at
2 what Apple has done. Who was the Apple person? We haven't had
3 a chance to figure out the forensics of this.

4 I will tell you this, we've done our own investigation and
5 we've got a lot of this forensics ourselves. I will also tell
6 you, Judge Coulson, as part of our investigation, as part of
7 also the discovery from the stateside I know that some of the
8 stuff is corrupted.

9 The next thing I will tell you, Your Honor, is that the
10 lead complaining witness here in that video, that the
11 Government is saying is corroborated now so many different
12 ways, in that video, the complaining witness talks about how
13 he, himself, got rid of videos. Got rid of photos.

14 I am not at liberty right now, Your Honor, to go into our
15 full defense as to why are the complaining witness got rid of
16 videos that had nothing to do with criminal activity. But I
17 share that with the Court to say that getting rid of videos in
18 and of itself is not a crime, even though the Government comes
19 here and says, hey, well, that's somehow obstruction of
20 justice.

21 The other thing the Court needs to know, which has not
22 changed but now has impacted this case, is if we say that the
23 videos, just hypothetically, again, I do not believe this
24 hypothetical, but if we say that the videos were somehow
25 deleted in that January time frame, Mr. Bendann was talking to

1 several lawyers about his employment situation at Gilman, and I
2 am not clear as to what type of legal advice he may or may not
3 have had to look at videos. I am not clear as to if you go
4 ahead and delete something, whether you're doing it
5 intentionally to obstruct an investigation. So that, again, we
6 have this information now. Certainly that we have it is
7 different than six months ago.

8 But, Your Honor, six months ago we always knew by virtue
9 of the affidavit that the state had that this was a child porn
10 case. Six months ago, Your Honor, it was the state government
11 that went into really Lance Bendann's house and took all of the
12 electronic devices. We always knew, and we got versions of
13 those electronic devices, and we've got questions about the
14 forensics on the electronic devices, so we've always knew
15 there's been a question about the electronic devices.

16 So that's why I say, Your Honor, that, yes, now we can, by
17 virtue of the Government's indictment, perhaps tell you chapter
18 and verse about a specific video. There are other videos and
19 there are other electronic evidence on those devices that go in
20 the opposite direction.

21 So that is something, again, that, yes, on some level
22 things are different because we have the specific electronic
23 information. But on some level it really isn't. So, Your
24 Honor, I want to go back to --

25 **THE COURT:** And you're also -- the recommendation of

1 pretrial services in the county was for release as opposed to
2 our folks.

3 **MR. FLOWERS:** That's exactly right, Your Honor.

4 **THE COURT:** All right.

5 **MR. FLOWERS:** And, of course in the county, to be
6 clear, and, again, the reason why there really is not much of a
7 change, in the county Mr. Bendann is charged with rape. If he
8 gets convicted of one rape charge, he's going away for
9 double-digit years, not different than what he's doing if he
10 gets convicted of any one of those sexual exploitation charges
11 in the feds.

12 **THE COURT:** So it's a second-degree rape in the state
13 system has a mandatory minimum?

14 **MR. FLOWERS:** Oh, there's no mandatory minimum. But
15 I'm confident that -- he's charged with 16 counts of, as I put
16 in our memo, abuse of a minor, various types of sexual abuse
17 counts. He gets convicted, particularly of the rape or even of
18 the sexual abuse of a minor, or sexual solicitation, he's
19 looking at going to jail for decades. That, Your Honor,
20 qualitatively, realistically, is not any different than what
21 he's looking with with the feds. Different cases, different
22 charges, certainly, but it's not as if no one knew that there
23 could be a potential child pornography charge in the federal
24 system. Again, that was what was put on the affidavit in the
25 state system. We've been investigating it. They've been

1 investigating it. So that's why I want to come back, Your
2 Honor, to the fact that Mr. Bendann has always known about the
3 seriousness and the gravity of this case. He has done
4 everything that we would ask someone to do when they're charged
5 with serious crimes, whether they're in the state or the
6 federal government. He has not missed, again, a court hearing.
7 He has retained counsel. He has his family and his friends who
8 have come to get -- to rally around him. And have been,
9 really, at every single detention hearing. That's the
10 community that is here.

11 And I want to focus the Court back on this SWAT team raid
12 of Mr. Bendann's house. It's not even Chris Bendann's house
13 but it's his father, Lance Bendann, who is seated in the
14 courtroom today.

15 The reason that this case is so troubling, and I call it
16 an abuse of power --

17 **THE COURT:** Help me with how that helps me in my
18 decision-making on detention or release? Whether the
19 Government did or did not use whatever force they used in the
20 arrest?

21 **MR. FLOWERS:** It gives you two ways to know, okay.
22 Number one, this Court has got to determine -- make credibility
23 determination about the Government's argument versus the
24 defense's argument. And so the Court ought to be able to look
25 at the Government's actions versus the defense's actions and

1 see who is the honest broker here. Who is the one just trying
2 to follow the facts and the law where they go.

3 **THE COURT:** Well, Mr. Bendann said two weeks ago, I
4 want friend and family to know these allegations are false.
5 I've been wrongly accused along with 3,300 plus people in this
6 great country. So the Government's methods of his arrest,
7 somehow, counterbalance that?

8 **MR. FLOWERS:** I'm not sure I understand the Court's
9 question? Is the Court saying that that's the false statement?

10 **THE COURT:** The Court is saying that I'm looking at
11 credibility, you've just told me to look at credibility. You
12 want me to consider the methods of arrest, and I'm
13 counterbalancing that with Mr. Bendann's statements that the
14 allegations are false when, in fact, we've got five videos of a
15 minor victim and Mr. Bendann and also in his vehicle. So?

16 **MR. FLOWERS:** Again, I haven't seen these videos. The
17 Court hasn't seen these videos. And at some stage, right,
18 Mr. Bendann under the Bail Reform Act is presumed innocent and
19 so that he gets up and says --

20 **THE COURT:** Well, he's presumed innocent for all of
21 his proceedings, of course.

22 **MR. FLOWERS:** That's right.

23 **THE COURT:** There's no question about that.

24 But the presumption is, as to the charges, is, you know,
25 different to some extent with whether he's a danger to the

1 community, right? I mean, everybody who comes in here for a
2 detention hearing is presumed innocent.

3 **MR. FLOWERS:** That's right.

4 **THE COURT:** But I'm supposed to look at certain
5 statutory factors.

6 **MR. FLOWERS:** I'm going to go through the factors. I
7 want to address the Court's very good question about
8 credibility issues. It seems that the Court is suggesting
9 somehow, by Mr. Bendann saying, hey, I'm innocent, I didn't do
10 this, and because there are these videos out there that we have
11 not seen --

12 **THE COURT:** But he allegedly took and is pictured in.

13 **MR. FLOWERS:** Allegedly and, again, we have not seen
14 these videos at all. If we're going to say, hey, let's just
15 look at the allegations and say they're truthful, okay, then,
16 you know, what Mr. Bendann said a week ago is problematic. But
17 if you're going to say this person is presumed innocent, this
18 person gets to at an arraignment say not guilty to the charges,
19 this person can go out and say exactly that and not be said to
20 have said something that is incredible or unbelievable.

21 It's a fact in this country that people are incarcerated
22 wrongly all of the time.

23 **THE COURT:** There's no question but help me get back
24 to the Bail Reform Act.

25 **MR. FLOWERS:** Right. Getting back to the Bail Reform

1 Act. And, again, the Government's overreaching here to say
2 that this -- Mr. Bendann should be incarcerated even though
3 he's been on six months release with conditions and having no
4 problems.

5 The problem there, Your Honor, is this, we've been working
6 with the Government for six months. When the Government
7 decided to bring charges, knowing that Mr. Bendann was at his
8 house 24/7 lockdown, knowing that we had been working with the
9 Government, the Government could have, if it was just playing
10 fair, if it was just playing straight, said, listen, why don't
11 you come down and self-surrender? That's what's happening to a
12 former president who's been charged with racketeering,
13 influence, corrupt organizations, with respect to the
14 January 6th. That is what happens to police officers that I
15 have prosecuted who are charged and alleged to have engaged in
16 excessive force. And in both of those situations, lawyers were
17 involved. Why not here?

18 And I share that with the Court because, again, if we are
19 just trying to be kind of cool-headed and rational and not do
20 more than what's needed, then there wouldn't have been a SWAT
21 team that had came to Mr. Bendann's house, traumatized and
22 terrorized not only Mr. Bendann, but also his 78-year-old
23 father, who's here in Court and has nothing to do with this.
24 When there's a lawyer involved, all they had to do is pick up
25 the phone and give the call.

1 **THE COURT:** Don't you have an avenue for redress if
2 that's the charge the Government used excessive force in
3 effectuating the arrest, isn't there a whole avenue that you
4 could pursue that? I'm just trying to --

5 **MR. FLOWERS:** Right.

6 **THE COURT:** The issue in front of me is detention or
7 release.

8 **MR. FLOWERS:** Right.

9 **THE COURT:** And I think you're implying the force was
10 excessive and therefore anything the Government does should be
11 viewed under the lens of they're making arguments beyond the
12 evidence they actually have, is that the argument?

13 **MR. FLOWERS:** That is the argument, Your Honor.

14 **THE COURT:** Okay.

15 **MR. FLOWERS:** Let me direct you again to the factors
16 so we can put some more meat on the bones to that argument,
17 Your Honor.

18 **THE COURT:** Okay.

19 **MR. FLOWERS:** All right. Under factor 3142(g)(1), you
20 look at the nature and circumstances of the offense charged.
21 Again, six months ago we always knew they were very, very
22 serious charges. Mr. Bendann has done everything he could to
23 litigate and defend against those very serious charges. Six
24 months ago we also knew that the complaining witness is an
25 adult and that these charges happened some five years ago.

1 Five, six, seven years ago from 2017, right, that's six years
2 ago, to 2019, right, that's four years ago. So these charges
3 are, you know, have several years on them. And there's
4 nothing, even with respect to these charges, which are very,
5 very serious, that demonstrates that since 2019, even assuming
6 the allegations are true, and we don't, pretty much assuming
7 that they're true, these happened four years ago and nothing
8 has happened since.

9 **THE COURT:** Wasn't there a text message in December of
10 2022 between Mr. Bendann and the minor victim referencing
11 sending additional photos?

12 **MR. FLOWERS:** Again, that text message, we've just
13 seen that text message. He is not charged with that text
14 message. I will tell you that the three complaining witnesses
15 that are, again, not charged with but they're now being used to
16 say, hey, there's somehow some corroboration with the number
17 one complaining witness, one of those complaining witnesses is
18 the complaining witness number one's best friend. And that
19 complaining witness number two, I believe, is the one who went
20 out to complaining witnesses three and four, and said, hey, why
21 don't we all say that, you know, Mr. Bendann was involved in
22 misconduct.

23 So there's been this rumor mill around Gilman that these
24 complaining witnesses have kind of ginned up and that's not
25 corroboration. Moreover, Your Honor, again, having looked at

1 the video of the complaining witness, we have an expert who's
2 looked at that video, and that expert tells us that the
3 complaining witness has some credibility issues. Again, I
4 don't want to go too far down this road into detail. But just
5 as the Government comes here and says, hey, we talked to some
6 person at Apple, unnamed, unknown, at some time, and they told
7 us that an expunged file must have been expunged on this date,
8 but we don't have any documents of that; likewise, I bring to
9 the Court that we've had experts actually look at these, at the
10 complaining witness's video, and there are credibility issues
11 with the complaining witness. So that goes a little bit to
12 both the nature of the offense charged under 3142(g)(1) and the
13 evidence against Mr. Bendann.

14 Another very key point about credibility of the
15 complaining witness and the complaining witness's best friend,
16 who's been out ginning up people to come forward, practically
17 on day one of this case, the complaining witness has had a
18 plaintiff's lawyer, and Mr. Silverman and Mr. White, who have
19 been telling the media that this is just the tip of the
20 iceberg. So they, too, have been ginning up the rumor mill
21 such that the complaining witness, again, the best friend of
22 the complaining witness, he gets these other complaining
23 witnesses to come forward kind of in the investigator text of
24 this rumor mill that's been ginned up by the complaining
25 witness's plaintiff's lawyer.

1 Now, so that goes to the complaining witness's credibility
2 and what we can and cannot believe. I add to that the fact the
3 complaining witness's lawyer, there's a suggesting that that --
4 the complaining witness will be able to sue Gilman if
5 Mr. Bendann is convicted. Right? So there's a financial
6 interest that also, again, is one of the reasons that, as I've
7 said before, there are reasons to question the complaining
8 witness. And unlike the Government, we didn't overstate that.
9 We didn't say that Mr. Bendann was a liar. I'm not here to say
10 the complaining witness is a liar. As I put in our filing
11 today, we want to have the utmost respect, give the complaining
12 witness the utmost dignity and humanity. That's why we're not
13 out here naming his name. We could, but why would we? We're
14 not here to, again, undercut this person's humanity.

15 The Government, by contrast, instead of saying: Hey, you
16 know what, we've been working with your lawyer for six months,
17 unfortunately we don't see eye-to-eye on where this case is
18 going, we're going to have to charge you. Pick up the phone,
19 come on in, and we'll have you summoned to court, and we'll
20 move forward that way.

21 Right?

22 The restraints that we have shown versus the lack of
23 restraints the Government has shown is, again, as the Court is
24 making credibility determinations about danger and who to
25 believe and what argument should carry weight, I submit to the

1 Court that it's our arguments that carry weight because we're
2 the ones who have not tried to get over our skis and overstate.

3 I want to be clear, just because Mr. Bendann raises his
4 hand on the courthouse steps and the jail, wherever, and says,
5 hey, I did not do this, he is allowed to say he is innocent.
6 Our whole justice system says you're presumed innocent. When
7 we've got the complaining witness's lawyer out here calling him
8 a monster, he's supposed to sit in silence?

9 THE COURT: Do you have any proffer you would like to
10 make regarding the five videos referenced by the Government in
11 terms of --

12 MR. FLOWERS: Yes.

13 THE COURT: -- their, you know, the date reference or
14 whether or not the victim was a minor in the videos --

15 MR. FLOWERS: Yes.

16 THE COURT: -- describe whether or not that's really
17 Mr. Bendann and his car.

18 MR. FLOWERS: Yes.

19 THE COURT: So let's get to that.

20 MR. FLOWERS: Well, the proffer on the five videos is
21 the following: I haven't seen the five videos. I just learned
22 about the five videos on Friday. But I do know, having looked
23 at a lot of forensic in this case, there is a question about
24 when the complaining witness turned 18. And so timing is going
25 to be everything in this case.

1 So if there are forensic problems with these five videos,
2 like there are forensic problems with other of the electronic
3 evidence in this case, then that's going to be a significant
4 problem because that demonstrates, obviously, right, that the
5 complaining witness was not a minor, that the complaining
6 witness was over 18, and, therefore, you know, these charges
7 would not stand.

8 So that's the proffer I make to the Court that, again, I
9 haven't seen these videos. I want to be crystal clear about
10 that.

11 But what I have seen is a lot of forensic evidence in this
12 case. I do know that the forensic evidence and some of the
13 witness evidence suggests that the complaining witness was over
14 18 and was in a consensual relationship.

15 With respect to, Your Honor, to the history and
16 characteristics then, moving past the first two factors on
17 3142(g), there can be no question that but for these charges
18 Mr. Bendann has a stellar history and characteristics and
19 reputation as the community would have it. Today we have in
20 court six folks, if you all could stand for the judge so he can
21 see you. We have six folks who have traveled here today to
22 support Mr. Bendann and they're members of the community.

23 **THE COURT:** Thank you for coming today.

24 **MR. FLOWERS:** Many of them have written character
25 letters, which I have provided --

1 **THE COURT:** I have reviewed them.

2 **MR. FLOWERS:** -- to the Court.

3 And these people, for them to stand up and show up for
4 Mr. Bendann in this type of case is incredibly difficult. They
5 put their reputations on the line because of how sex cases just
6 are different. Whether you're talking about the sentences that
7 are meated out, certainly whether you're talking about the
8 opprobrium that someone must deal with when they are charged
9 with a sex case.

10 That said, knowing this, knowing what the media is,
11 knowing that there's a plaintiff's lawyer out here calling
12 Mr. Bendann a monster, they still raise their hand and came to
13 this court and said things like, "I do not believe Chris is a
14 danger to society. I believe Chris understands the seriousness
15 of the charges he faces, and he's been a law-abiding citizen."
16 That's what John Claster said.

17 Andrew Eifler said that, "Chris, housesat for him."

18 I should pause a little bit on this house-sitting issue
19 because until I got into the case, I never knew that it was
20 okay for a teacher to house-sit for a student. I always
21 thought that's something that's fraught with problems and
22 peril. Not at Gilman. They had a policy whereby teachers were
23 allowed to house-sit and babysit for students at Gilman. And
24 Andrew Eifler knows about that policy, was a classmate, and
25 said that Chris has often housesat for my parents when they've

1 been away, and he said that again. Not only given kind of the
2 notoriousness of this case, but given how important
3 house-sitting is. And that Gilman not only allowed it but
4 condoned it.

5 Dr. Fairchild talked about how she has struggled with the
6 fact that the media has essentially already convicted
7 Mr. Bendann. And she says, "As he was arrested and imprisoned
8 I wondered, what ever happened to innocent until proven
9 guilty."

10 I mean, again, the fact that we're arguing about him going
11 out and saying, hey, I'm innocent, I didn't do this, all of a
12 sudden that's considered obstruction. All of a sudden that's
13 considered intimidating witnesses. You know, again, we're not
14 the ones that send a SWAT team to the complaining witness's
15 house. We -- that's intimidating, not only for Mr. Bendann,
16 but for everybody in this community. What if it happens to
17 them? It already happened to Mr. Lance Bendann and he's a
18 78-year-old veteran.

19 Margaret Kidder wants the Court to know that, quite
20 simply, she doesn't believe that Chris Bendann is a danger to
21 the Gilman community or the general community at this time, and
22 she's known Mr. Bendann essentially all of his life.

23 Tim Wilkins, who's here today, talked about how
24 Mr. Bendann certainly doesn't pose a danger to anyone in the
25 community.

1 And then Kathleen Brosi, who actually used to live just
2 houses down from Mr. Bendann, I spoke to her on the phone, she
3 was scared and intimidated reading and seeing what happened to
4 Lance Bendann's house for somebody, again, who is not violent,
5 who has lawyers involved. And she wrote in to tell the Court,
6 as a friend and neighbor, that she considers Chris Bendann
7 family.

8 And all of these people, I want to be very clear, Your
9 Honor, all of these people were told about the gravity and the
10 seriousness of these charges. And facing the gravity and
11 seriousness of the charges, they wrote in. You have their full
12 letter. I gave you a sample of them there.

13 You've also got to consider what Mr. Bendann has done in
14 the community. The fact that he went to Gilman. He goes to
15 Skidmore College, comes back and teaches at Gilman, and really
16 kind of holds every single hat, if you will, at Gilman, right?
17 Was someone who was very well-regarded.

18 And I will tell you, as the Court is looking at this case
19 and considering credibility issues, I will tell you that
20 there's certainly -- there were those at Gilman that did not
21 like Chris because Chris didn't kind of fit into the same box
22 as everyone else.

23 **THE COURT:** What do you mean by that?

24 **MR. FLOWERS:** Let me explain and put some more
25 explanation to that, Your Honor.

1 Mr. Bendann is 39 years old. Has never been married. Has
2 never really had a family that is kind of more of your -- I
3 want to be careful here -- a wife and, you know, who's a woman,
4 and kids, he's not had that. But most of the teachers at
5 Gilman do. And so Mr. Bendann, because he didn't have that,
6 there were those at Gilman who looked at him a little
7 differently. And I'm here to tell you Mr. Bendann hired other
8 lawyers to deal with some of the friction that was going on
9 between Mr. Bendann and the school all the way to the highest
10 levels of the school.

11 I will tell you, Judge Coulson, as we've investigated this
12 case for six months, there is a Gilman teacher, who is not here
13 today, because she came to one of Mr. Bendann's original bail
14 hearings, Gilman heard about it. And all of a sudden, we were
15 no longer allowed to talk to her. All of a sudden, she was no
16 longer allowed to support Mr. Bendann. And that was
17 Mr. Bendann's mentor.

18 So there is something amiss. There's something going on
19 at Gilman where this Court needs to take into account, when
20 it's trying to consider the complaining witness who's a Gilman
21 grad, he's clearly on the side that Gilman wants to protect,
22 Mr. Bendann is not. Mr. Bendann has always had issues with the
23 school because of kind of how he is perceived, that is not
24 having a wife and family and kids at his age. And this whole
25 babysitting situation, house-sitting situation, that was one of

1 the tensions that oftentimes came up, so it would be easier if
2 you just had a wife, but he doesn't. And he should not have to
3 be punished for that either, right?

4 Going back and finishing up. I'll say on, you know, the
5 history and characteristics of Mr. Bendann, it is very
6 important that the Court take into account that he has no
7 criminal record, that he has done nothing violent ever. And to
8 put him in a cage pending this trial will be incredibly
9 destructive to his defense because of what he's accused with,
10 because of his makeup and his mental health. Him being locked
11 up in his house for 24/7, there he suffered a heart attack
12 dealing with the stress and the pressure of this case.

13 Does this Court really believe that Mr. Bendann, after all
14 he has gone through, is going to go out and hurt a witness?
15 Does Mr. Bendann really want his father to see a third SWAT
16 team show up at his house? That's an incredible deterrent.

17 Finally, Your Honor, there is no specific allegation that
18 Mr. Bendann has done anything to intimidate witnesses. It is
19 only, well, he sent out a Facebook post or an IG post in which
20 he said, I'm innocent. It is, well, his lawyer, that's me,
21 went out and said, hey, we're fighting this case, and the
22 complaining witness in this case is less than honest. I didn't
23 call him a liar, I never said that. I didn't use words like
24 the Government and like the plaintiff's words have used to call
25 him a liar or monster. I don't think the facts show that, how

1 can they say that at this early stage, right?

2 And so as the Court is considering whether this person is
3 a danger, we simply have no concrete evidence that he is. In
4 fact, the concrete evidence that we have is over the six months
5 he's been fighting this case he hasn't intimidated any
6 witnesses. He's been the one who's been intimidated.

7 I understand the Court is less persuaded by a SWAT team
8 showing up at your house in the morning and whether that's
9 intimidating, particularly for somebody like Mr. Bendann, who
10 had a lawyer who was working with the Government. I understand
11 that. But what's important about that is not only, again, how
12 the Government is overreached here by asking for detention, but
13 what's also important about that is that the Court can take
14 great comfort in knowing that Mr. Bendann never wants a SWAT
15 team ever to show up at his house and will do everything he can
16 to make sure he follows the conditions of release this Court
17 sets forth as he has done for six months.

18 Thank you, Your Honor.

19 **THE COURT:** Thank you, Mr. Flowers.

20 Ms. McGuinn.

21 **MS. MCGUINN:** Yes, Your Honor. I just have a few
22 brief comments. I'm not going to belabor the point. I do take
23 issue with counsel referring to this as a child pornography.
24 This is a sexual exploitation of a child. It's not a child
25 pornography case. He isn't collecting some images and

1 transferring them. He deliberating filmed a minor who was 16
2 years old and 17 years old while that child was in his car, and
3 while that child was in his shower during the time the
4 Defendant was supposed to be house-sitting. It's not a child
5 pornography case, it is sexual exploitation of a child case.

6 I have the benefit of being a state prosecutor for 20
7 years before I came to this job. The guidelines on sexual
8 child abuse and second-degree rape average about four to nine
9 years on a first offense. And I can tell you having stood in
10 this role as a state prosecutor, getting four to nine years in
11 a situation where you're relying only on the word of a victim
12 is really difficult and that was the position the state was in
13 until a few days ago.

14 However, the guidelines are still four to nine. As Your
15 Honor pointed out, it's not a mandatory minimum and there's no
16 guarantee a judge will give him any jail time, let alone
17 decades as counsel is alleging. I've rarely seen decades on a
18 first time offender in a rape case in my 20 years as a state
19 prosecutor.

20 Your Honor, the other thing I wanted to clarify for the
21 record is counsel is saying that these three witnesses, other
22 minor victims, were all known about. It's untrue. And, in
23 fact, the Government put in the memorandum that in May of 2023
24 a victim has come forward. That information was not available.
25 That victim has not been -- that disclosure has not been made

1 known because it's still part of an investigation. And I was
2 given permission specifically to mention it today to help argue
3 for detention here. That person is completely different and
4 separate from what counsel already knows through the state
5 discovery.

6 And, Your Honor, lastly, we haven't been working together
7 for six months. That implication that we've been holding hands
8 and working together is far, far from what's been going on. We
9 have worked collaboratively, as the defense and the Government
10 often do when there are litigation issues and things that need
11 to be resolved so we can be most judicious with the court as to
12 the time. Counsel has been fighting, as is his right, for
13 issues regarding a search warrant and that's totally fine. I
14 don't take issue with his fighting. We haven't been working
15 together. We have worked collaboratively to make that process
16 smooth, to make sure everything was presented correctly. We
17 have been cordial with each other, which is, as Your Honor I
18 know this Court values that, that everyone tries that. We've
19 not been working together.

20 The Government's job is to hold people accountable for
21 committing crimes, and in this case the Government charged the
22 Defendant with sexual exploitation of a child, not one time,
23 not two times, but five times, and to imply that this was in
24 some way some sort of consensual relationship and that makes
25 the other videos okay. I direct Your Honor to the text

1 messages that we included that were part of the state warrant
2 that counsel has known about all along. He calls him puppy.
3 "Puppy, answer." "Puppy, snap back at me." That's not loving.
4 That's not consensual.

5 And how do you get to that point when he was 21 years old?
6 We got to that point because he had been coercing him all along
7 in his early boy -- excuse me, his late boyhood and early teens
8 to get to that point.

9 He is, in fact, a danger to children. This is not the
10 first time he has done this. This is not the first time he has
11 groomed children. He is a danger to children, Your Honor, and
12 he needs to be detained pretrial.

13 **THE COURT:** Ms. McGuinn, just, I don't want to belabor
14 matters that were pending before the Court in another context,
15 but in terms of when the Government got the electronic evidence
16 in this case and began its review?

17 **MS. MCGUINN:** We were granted permission by this
18 Court, the order is dated August 8th. We did not know about
19 the order until August 10th. We knew it should have been
20 coming. We were looking for it I contacted Judge Maddox's
21 chambers, I believe, on Thursday the 10th, and said, "Hey, did
22 Judge Maddox issue an order?" There was, in fact, a ECF.
23 Because it's under seal, I couldn't access it. So we were
24 given permission to resume searching the digital evidence on
25 August 10th.

1 **THE COURT:** All right. Thank you, Ms. McGuinn.
2 Mr. Flowers anything else?

3 **MR. FLOWERS:** Yes, just briefly, Your Honor. You
4 know, this notion that, well, he's looking at four to nine
5 years and not 10 years, that's easy for a prosecutor to say,
6 and probably hasn't been over to the Super Max and see what
7 it's like to be in the cage and have an accusation about you
8 did something to a kid. One day, one day and your life is in
9 jeopardy. And that's what this prosecutor is asking to send
10 Mr. Bendann back to.

11 So, you know, whether it's 10 years or nine years, it's of
12 no moment. One day. This idea that the prosecutor gets to get
13 up and say, well, you know what, there are these other
14 witnesses that counsel doesn't know about but the Court should
15 now take that into account, how do we counter ghost witnesses,
16 Your Honor? That's not fair but that's indicative of what
17 we've had to deal with throughout this case. Why is he dealing
18 with a SWAT team when he would have walked in here happily and
19 said, "What do we need to do?" They're not playing fair.

20 And then this idea that we haven't worked together. I
21 appreciate Ms. McGuinn allowing for lawyers to litigate
22 important issues, and the issue that we were litigating is of
23 the utmost import because it was this U.S. Attorney's Office
24 that raided my law firm illegally and took electronic devices
25 and went through client's secrets and work product of lawyers

1 and products. They did the same --

2 **THE COURT:** Not in this case.

3 **MR. FLOWERS:** They did the same thing here, Your
4 Honor, yes, they did. They knew that Mr. Bendann had a lawyer
5 that was involved with what was going on with his employment
6 situation at Gilman. So I filed a motion to stop them from
7 going through those devices, and they're trying to say that we
8 somehow delayed --

9 **THE COURT:** Devices were in the custody of your law
10 firm at the time?

11 **MR. FLOWERS:** No, they weren't in the custody of my
12 law firm.

13 **THE COURT:** But, I mean, the situation where you
14 described there was a warrant executed at your law firm, that
15 was not this case?

16 **MR. FLOWERS:** It was this case because the holding of
17 *In Re Search Warrant* issued June 13, 2019, 942 F.3d 159, Fourth
18 Circuit, again, 2019 case, the holding of that case by Judge
19 King is that searching through devices and trying to figure out
20 what's privileged and what's work product, that's not an
21 executive function. That is not something that your adversary
22 should do. They knew because I told them early on, as soon as
23 they took those devices I sent an email to Ms. McGuinn and the
24 state prosecutor and anybody that would listen. I told them
25 there was privileged information on those devices.

1 **THE COURT:** But, but -- those devices were not -- the
2 search warrant was not executed at your law firm in this case,
3 correct?

4 **MR. FLOWERS:** That's 100 percent correct, Your Honor.

5 **THE COURT:** Look. I understand the argument. The
6 argument is privileged materials, according to Judge King's
7 opinion that you just cited. I'm very familiar with that there
8 should be a different process and I understand that process has
9 been ongoing here.

10 **MR. FLOWERS:** So -- I'm sorry.

11 **THE COURT:** But I just wanted to make it clear that
12 this was not a search warrant served on your law firm in this
13 case.

14 **MR. FLOWERS:** I want to be crystal clear, and I want
15 to repeat, crystal clear, and I just want to repeat, and
16 forgive me for not making it clear, this was not a search
17 warrant served on a law firm. And one of the ways the
18 Government typically tries to distinguished *In Re Search*
19 *Warrant*, June 13, 2019, is by saying, wait a minute, wait a
20 minute, lawyers are special, lawyers are different, if it
21 happens in a law firm then we need to have a special master.
22 That's not what the holding of *In Re Search Warrant* June 2019
23 is. Judge King did not say lawyers are special, and we set
24 them apart. No.

25 What it said was when you have something that is

1 privileged and protected, because you've been working with the
2 lawyer or you're countenancing litigation, then you're
3 adversary. The prosecutor can't go through and find your
4 secrets.

5 They went through his phones and electronic devices and
6 tried to find his secrets. Not only was my law firm involved,
7 but there was another lawyer that was involved. Because as
8 I've tried to explain, there's been tension between Mr. Bendann
9 and Gilman so he had lawyers involved.

10 So that's this -- this delay. It's not our doing.
11 They've known about this case since 2019 when they grabbed
12 these devices and we sent an email saying, hey, there's
13 privileged information on there. They could have stopped and
14 did the right thing, and we ended up litigating it.

15 So when we say we were -- what I meant by working
16 together, certainly, I understand the prosecutor is trying to
17 put him in a cage. We are not working together on that at all.
18 We're working together on we've been litigating this case in a
19 professional way. I'll agree with her on that. If you've been
20 working with someone in a professional way to then send a SWAT
21 team to that person's house, when you know that they're not a
22 danger, you know you've got a 78-year-old man who has a heart
23 condition, that you send a SWAT team in anyway. What's that
24 about? It's not playing fair and they should not be rewarded
25 for not playing fair. Your Honor should release Mr. Bendann on

1 conditions.

2 **THE COURT:** Thank you. Anything else, Ms. McGuinn?

3 **MS. MCGUINN:** No, Your Honor.

4 **THE COURT:** So the Court is very mindful, Mr. Bendann,
5 of the presumption of innocence that goes along with any
6 criminal charges that come from our grand jury or otherwise
7 that get filed in this court. And the Court keeps that in
8 mind. And of course the Court is also very aware, as it has
9 stated in other cases, that in cases like this involving the
10 alleged exploitation of a minor, the allegations themselves are
11 very charged. And the Court is always reminding itself to not
12 let that distract, overly distract, from its analysis under the
13 Bail Reform Act.

14 That said, the nature of those allegations is serious.
15 Everyone has alleged or has acknowledged that. And, unlike
16 some other types of crimes that get brought in this court,
17 Congress has created a presumption of detention as to those
18 allegations because they involve the sexual exploitation of a
19 minor. There are other crimes that fall under that category,
20 but this is what's called a presumption case.

21 Now, that is a rebuttable presumption and obviously the
22 defense is free to come forward with evidence that they think
23 rebuts the presumption of detention. There is some lack of
24 clarity as to exactly what that burden is. I view that as
25 merely a burden of production that the defense is to come

1 forward with evidence that tends to negate the judgment that
2 Congress has made regarding the allegations. And, for example,
3 by coming in and pointing to six months on county release
4 apparently without incident, that would be the type of evidence
5 that I think could indeed rebut that presumption of detention.

6 Now, it doesn't go away entirely. It's still a factor, as
7 Judge Hollander in the *Anderson* case found. It's still a
8 factor that needs to be considered with this Court because, of
9 course, one of the factors under the Bail Reform Act is the
10 nature of the conduct at issue in the case.

11 Second thing is the strength of the proffer. The
12 Government has proffered to the Court of more importance in my
13 decision-making five videos involving the minor victim that
14 they indicate were all taken during his minority. That there
15 is information on those videos that indicates that you were
16 involved in making the videos, both by appearing in some of
17 them, your vehicle in one of them, and I think that's -- I
18 think the allegations, the appearance in all but the one where
19 it was your alleged vehicle. That is a strong proffer in a
20 case involving the sexual exploitation of that alleged victim.
21 So that of the allegations in the case we have, as described by
22 the Government, video evidence. Of course there will be a
23 trial. There will be experts, I'm sure. Perhaps that evidence
24 will ultimately get challenged. But for what we know today,
25 for purposes of my decision-making, the Government's proffer is

1 strong in the case.

2 I do want to make a comment, I guess, about the other
3 alleged victims in the case. And I understand that there are
4 some other folks that have come forward making allegations. I
5 always have a difficult time in the context of a detention
6 hearing figuring exactly what to do with uncharged conduct and
7 allegations about other potential crimes and other potential
8 victims. I think it is something I can consider but I must say
9 in my decision-making here today, I have not given that great
10 weight because, quite frankly, I'm not sure that I need to
11 consider that strongly given the fact that we have these videos
12 in evidence.

13 So we have that factor.

14 Now, in your favor, of course, you have no criminal
15 history. That is an important factor for this Court. Very
16 often in detention hearings I am faced with a fairly long and
17 lengthy criminal history, both in these types of cases and
18 other types of cases that certainly is something that weighs in
19 your favor.

20 I will say, however, that it's not just criminal history,
21 it is the characteristics of the individual, it is past conduct
22 of the individual. We do have some proffer in this case about
23 some of that conduct. We've got a text message or text
24 messages when you were in a position of trust as a teacher and
25 in some cases advisory of students. We have text messages

1 involving students at the school. Of course we have the
2 allegation from the complaining witness who was a student and
3 one of your advisees at some point at the school. So I think I
4 do take that into account as well in terms of your past history
5 and characteristics. That is not to say that all of the folks
6 that you brought here today, who are very willing to stand up
7 for you, I understand that, to the extent that these
8 allegations are ultimately proven, that will show that you may
9 well have been very adept at separating the conduct at issue.
10 Again, you're presumed innocent of those charges, so we don't
11 need to reach that question today. But I think it is a factor
12 for my consideration in the case.

13 Frankly, the factor that I struggled with the most or I
14 guess the fact that I struggle with the most here is you do
15 have this history of compliance with the state system of six
16 months. We do have a decision by a state court judge in
17 hearing argument back in February of 2023 who opted to release
18 you on conditions of release.

19 So the question for me becomes, well, Judge Coulson, if
20 you're looking at whether somebody will be compliant, shouldn't
21 you, if you're not bound by that state court judge's opinion
22 necessarily, shouldn't you give it consideration, shouldn't you
23 look at that period of time in terms of making a determination?
24 So a couple of things about that.

25 One is, of course, I've got a recommendation from pretrial

1 services for detention in the case. The reason the Court often
2 takes that to some extent into consideration is that pretrial
3 services has a history with all of our folks on release.

4 We have more than our share of similar types of conduct
5 that is charged and their experience with hundreds of folks on
6 supervision gives them a pretty good gut, I think, of folks
7 that they think can be successful on supervised release.
8 They've recommended detention in the case.

9 But I started the hearing by talking about some of the
10 important differences that I saw between the posture of the
11 case back in February of 2023 and its posture today. So at the
12 time that the arguments were being made to judge -- I think it
13 was Judge Alexander in the state -- I think there was some key
14 differences.

15 First of all, in the state charges there was no
16 presumption of detention, unlike the presumption that Congress
17 has put on these charges. The charges were different. The
18 penalties, obviously, were different. Here in the federal
19 court we do have the 15-year mandatory minimum sentences for
20 each of the six counts of child exploitation, exploitation of a
21 minor. That certainly does, in the Court's view, up the ante.

22 I take Mr. Flowers's point that any period of
23 incarceration is obviously significant for the Defendant. But
24 certainly the potential for what would amount to perhaps a life
25 sentence under current guidelines puts this case in a different

1 posture in terms of consequences.

2 There were also at that time, and this was -- I'm not
3 faulting anyone for making this argument. There was no
4 corroboration of the complaining minor victim in the case as it
5 was postured before Judge Alexander. The results of this
6 investigation of the electronic devices were not known until
7 just a couple of weeks ago here. But at the time those -- that
8 evidence that I find very important in my decision-making, five
9 videos, was not before Judge Alexander. Again, the
10 recommendation in the state level was for release. Here it is
11 for detention.

12 Then we have evidence as proffered by Ms. McGuinn that
13 after the allegations, but just prior to the arrest, that the
14 five videos were deleted sometime in the 30 days before January
15 the 3rd, 2023, when the Government issued a preservation letter
16 to Apple. We also had, I think at the time of the initial
17 state court decision making had not yet -- they had not yet
18 done a pretrial investigation here, of course we have a
19 pretrial report from our pretrial services officer who has
20 recommended detention.

21 So I do think the case is quite differently postured and
22 to some extent that has an affect on the period of compliance.
23 Complying when the stakes are lower both in terms of the
24 evidence and the potential penalties, to me, is not quite an
25 apples-to-apples comparison as to what compliance might look

1 like now that the stakes are quite a bit raised, the evidence
2 quite a bit more established; and in that setting the Court is
3 not as comforted by the period of compliance prior to these
4 federal charges and the new circumstances that I just outlined.

5 In terms of the potential danger to any person who are the
6 community at large, we have as late as December of 2022, text
7 messages to the complaining witness. We also have in
8 January 2023 another text message to the complaining witness,
9 again, this looks to be just before criminal charges were
10 brought, but after complaints have been made. We've had
11 statements, of course, that perhaps call into question the
12 veracity of the complaining witness. And I think all of those
13 things give the Court significant pause.

14 The fact that we have an attempt apparently based on the
15 proffer to delete the video evidence in the time just prior to
16 the preservation order, this would have been sometime in the
17 late December, early January 2023, again, gives the Court some
18 pause that there might be similar attempts. And, of course,
19 the fact that Mr. Bendann was active on social media, which was
20 one of the methods alleged to have been used in the activities
21 in this case, and the allegations that past photos and video
22 were being used to coerce additional video or perhaps coerce
23 silence, not coming forward, those are all things, I think,
24 shows by clear and convincing evidence that there is a danger
25 to at least the complaining witness and perhaps others, if

1 indeed minor victims are coming forward as alleged by the
2 Government. So for those reasons I am going to detain you
3 pending your trial in this case.

4 Anything else then this morning, Ms. McGuinn?

5 **MS. MCGUINN:** No, Your Honor. The Defendant would
6 need to be arraigned. I know that you have a busy schedule and
7 I know this probably went a little longer and I don't know that
8 counsel was prepared for that. But I bring that forward since
9 we're all here. But if not we can certainly do that another
10 day.

11 **THE COURT:** That's up to you, if you would like to do
12 an arraignment now the Court is happy to do that. If you would
13 prefer to do it at a later date, the Court is happy to do it at
14 a later date?

15 **MR. FLOWERS:** With the Court's indulgence can I meet
16 with Mr. Bendann?

17 **THE COURT:** Of course.

18 (Counsel conferring with client.)

19 **MR. FLOWERS:** Thank you, Your Honor. I think
20 Mr. Bendann would like to go ahead with the arraignment.

21 **THE COURT:** All right. Very well.

22 **MR. FLOWERS:** I want to ask the Court, just given the
23 Court's ruling, it's obviously very disappointing with us. If
24 Mr. Bendann could at least say goodbye to his father before he
25 leaves the courtroom today.

1 **THE COURT:** Any objection, Ms. McGuinn?

2 **MS. MCGUINN:** I only defer to whatever the marshals
3 feel is appropriate as far as safety. But I don't personally
4 have an objection, no.

5 **THE COURT:** All right. I should also point out,
6 Mr. Bendann, that you do have the right to appeal my ruling
7 today. The appeal is actually *de novo* review, it would be by
8 Judge Bredar of this court. You certainly have that avenue
9 open to you. Judge Bredar can revisit this issue of detention
10 if you and Mr. Flowers decide to do that.

11 **MR. FLOWERS:** The other piece Mr. Bendann would like
12 the Court to know is obviously he's got some serious heart
13 conditions and, unfortunately, the diet over at Super Max is
14 not conducive to that. So if I could find out exactly what he
15 needs, provide something to the Court, I'd appreciate if the
16 Court can help us help Mr. Bendann so he can live as healthy
17 life as he can over at Super Max.

18 **THE COURT:** Sure. There is -- I know that I saw an
19 original communication of health need. Feel free to complete
20 another one, forward it to the Court and the Court is happy to
21 consider that. So is he -- is Mr. Bendann headed back to state
22 custody at least for the time being or is he going to be
23 remanded to Chesapeake Detention Facility.

24 **MS. MCGUINN:** He would be remanded to the custody
25 here. He's still technically on release in the state case.

1 Although the state's attorney did file a motion to revoke his
2 bond based on the findings in this case.

3 **THE COURT:** So he would be in U.S. marshal's custody.

4 **MR. FLOWERS:** Yeah. Very well. So we are going
5 through the arraignment. I'm going to tell you that I'll go
6 ahead and plead not guilty to all six counts, request a speedy
7 trial, and preserve all of our rights under the Constitution.

8 **THE COURT:** So let me just go through some of the
9 steps, Mr. Flowers, as we are required to do here in our court.

10 So, Mr. Bendann, as Mr. Flowers explained, the arraignment
11 is an opportunity to enter a plea in response to the indictment
12 that was returned in this case. Mr. Flowers, you've had the
13 opportunity to review the indictment with Mr. Bendann?

14 **MR. FLOWERS:** Yes, Your Honor.

15 **THE COURT:** And you waive a formal reading of --

16 **MR. FLOWERS:** Waive -- exactly, Your Honor.

17 **THE COURT:** Mr. Bendann, then, can you please respond
18 to the questions of the courtroom deputy.

19 **THE CLERK:** Please raise your right hand.

20 (Defendant sworn.)

21 **THE CLERK:** Please state your name for the record.

22 **THE DEFENDANT:** Christopher Bendann.

23 **THE CLERK:** Thank you. You may put your hand down.
24 Mr. Bendann, what is your age?

25 **THE DEFENDANT:** Thirty-nine.

1 **THE CLERK:** What year, just the year, were you born?

2 **THE DEFENDANT:** 1984.

3 **THE CLERK:** Have you read the indictment or has the
4 substance of the charges been explained to you?

5 **THE DEFENDANT:** Yes.

6 **THE CLERK:** Do you understand the charges?

7 **THE DEFENDANT:** Yes.

8 **THE CLERK:** Mr. Flowers, are you satisfied that the
9 Defendant understands the charges against him?

10 **MR. FLOWERS:** Yes.

11 **THE CLERK:** Mr. Bendann, you have been charged in
12 Counts 1 through 5 and 6 of the indictment, what is your plea?

13 **THE DEFENDANT:** Not guilty.

14 **THE CLERK:** Thank you.

15 **THE COURT:** Mr. Flowers, you indicate that you do
16 reserve a jury trial on behalf of Mr. Bendann; is that correct?

17 **MR. FLOWERS:** Yes.

18 **THE COURT:** And, Ms. McGuinn, the estimated length of
19 the trial?

20 **MS. MCGUINN:** Your Honor, at this point I would
21 estimate a week.

22 **THE COURT:** Any issues at this point with discovery?

23 **MS. MCGUINN:** It's not yet begun but I'll contact
24 Mr. Flowers to do a Rule 16.1 conference and then we can start
25 getting that out almost immediately, some of it anyway.

1 **THE COURT:** You'll stay in contact with Judge Bredar's
2 chambers on scheduling matters?

3 **MS. MCGUINN:** Yes, sir.

4 **THE COURT:** All right. Thank you, everyone.

5 **MS. MCGUINN:** Thank you, Your Honor.

6 **THE CLERK:** All rise. This Honorable Court now stands
7 in recess.

8 (Hearing adjourned at 11:45 p.m.)
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2 I, Ronda J. Thomas, certify that the foregoing is a true,
3 correct, and complete transcript of the audio-recorded
4 proceedings in the above-entitled matter, audio recorded via
5 FTR Gold on August 21, 2023, and transcribed from the audio
6 recording to the best of my ability, and that said transcript
7 has been compared with the audio recording.

8
9 Dated this 15th day of September 2023.

10
11 *Ronda J. Thomas*

12 RONDA J. THOMAS, RMR, CRR

13 FEDERAL OFFICIAL COURT REPORTER
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<p>MR. FLOWERS: [50] 2/10 14/18 15/5 15/8 17/7 17/11 17/15 18/10 18/23 18/25 21/3 21/5 21/14 22/21 23/8 23/16 23/22 24/3 24/6 24/13 24/25 26/5 26/8 26/13 26/15 26/19 27/12 30/12 30/15 30/18 30/20 31/24 32/2 34/24 41/3 42/3 42/11 42/16 43/4 43/10 43/14 52/15 52/19 52/22 53/11 54/4 54/14 54/16 55/10 55/17</p> <p>MS. MCGUINN: [24] 2/4 3/1 3/11 3/16 4/18 5/6 5/10 5/12 6/10 9/19 9/25 12/10 13/8 14/16 37/21 40/17 45/3 52/5 53/2 53/24 55/20 55/23 56/3 56/5</p> <p>THE CLERK: [10] 54/19 54/21 54/23 55/1 55/3 55/6 55/8 55/11 55/14 56/6</p> <p>THE COURT: [75] THE DEFENDANT: [7] 2/15 54/22 54/25 55/2 55/5 55/7 55/13</p> <p>1 10 [3] 15/21 41/5 41/11 100 percent [1] 43/4 101 [1] 1/24 10:22 [1] 2/1 10th [3] 40/19 40/21 40/25 11:10 [1] 1/8 11:45 [1] 56/8 13 [2] 42/17 43/19 15-year [2] 14/8 49/19 159 [1] 42/17 15th [1] 57/9 16 [4] 5/23 6/2 21/15 38/1 16.1 [1] 55/24 17 [4] 6/10 7/4 7/16 38/2 18 [6] 1/8 7/24 8/17 30/24 31/6 31/14 1984 [1] 55/2</p> <p>2 20 [2] 38/6 38/18 2016 [1] 10/16 2017 [1] 27/1 2019 [7] 27/2 27/5</p>	<p>42/17 42/18 43/19 43/22 44/11 2022 [2] 27/10 51/6 2023 [10] 1/8 16/23 38/23 48/17 49/11 50/15 51/8 51/17 57/5 57/9 21 [2] 40/5 57/5 21201 [1] 1/25 22nd [1] 18/24 23-cr-0278-JKB [1] 1/5 23rd [5] 5/10 18/20 18/22 18/22 18/24 24/7 [2] 25/8 36/11 278 [1] 2/7 2nd [1] 16/23</p> <p>3 3,300 [1] 23/5 30 [5] 5/4 5/5 14/9 18/18 50/14 3142 [7] 3/9 3/17 14/6 15/15 26/19 28/12 31/17 39 [1] 35/1 3rd [2] 4/11 50/15</p> <p>4 4th [1] 1/24</p> <p>6 6th [1] 25/14</p> <p>7 78-year-old [3] 25/22 33/18 44/22</p> <p>8 8th [1] 40/18</p> <p>9 942 [1] 42/17</p> <p>A a.m [2] 1/8 2/1 abiding [1] 32/15 ability [2] 8/4 57/6 able [2] 22/24 29/4 about [45] 12/19 12/20 13/2 13/9 15/21 17/1 17/18 18/2 19/12 20/1 20/13 20/15 20/18 22/2 22/23 23/23 24/7 28/14 29/24 30/22 30/23 31/9 32/6 32/7 32/24 33/5 33/10 33/23 34/9 35/14 37/11 37/13 38/8 38/22 40/2 40/18 41/7 41/14 44/11 44/24 47/2 47/7 47/22 48/24 49/9</p>	<p>above [2] 1/10 57/4 above-entitled [2] 1/10 57/4 ABRAMS [2] 1/17 2/12 absolutely [2] 10/8 17/7 abuse [8] 11/10 11/20 16/14 21/16 21/16 21/18 22/16 38/8 access [1] 40/23 according [2] 18/18 43/6 account [6] 5/7 16/22 35/19 36/6 41/15 48/4 accountable [1] 39/20 accusation [1] 41/7 accused [2] 23/5 36/9 acknowledged [1] 45/15 Act [6] 13/17 23/18 24/24 25/1 45/13 46/9 actions [2] 22/25 22/25 active [1] 51/19 activities [1] 51/20 activity [1] 19/16 acts [1] 10/17 actually [5] 10/10 26/12 28/9 34/1 53/7 add [1] 29/2 additional [2] 27/11 51/22 address [3] 3/9 15/14 24/7 addressing [1] 15/15 adept [1] 48/9 adjourned [1] 56/8 administrative [1] 4/9 adult [1] 26/25 adulthood [1] 12/23 advancement [1] 6/15 adversary [2] 42/21 44/3 advice [1] 20/2 advisees [1] 48/3 advisory [1] 47/25 affect [1] 50/22 affidavit [2] 20/9 21/24 after [4] 7/18 36/13 50/13 51/10 again [40] 2/22 4/22 7/4 7/13 7/21 10/8 11/2 12/11 14/25 19/23 20/5 20/21 21/6 21/24 22/6 23/16 24/13 25/1 25/18 26/15 26/21 27/12 27/15 27/25 28/3 28/21 29/6 29/14 29/23 31/8 33/1 33/10 33/13 34/4 37/11 42/18 48/10 50/9</p>	<p>51/9 51/17 against [6] 7/1 8/2 11/9 26/23 28/13 55/9 age [7] 5/19 6/18 7/24 8/16 8/17 35/24 54/24 ago [17] 13/14 16/22 18/1 20/7 20/8 20/10 23/3 24/16 26/21 26/24 26/25 27/1 27/2 27/2 27/7 38/13 50/7 agree [1] 44/19 ahead [3] 20/4 52/20 54/6 Aided [1] 1/22 alcohol [1] 9/7 Alexander [8] 16/21 16/21 17/3 17/9 18/8 49/13 50/5 50/9 all [52] 3/7 3/22 4/19 5/11 5/16 6/9 6/10 9/5 9/9 13/13 13/24 14/10 14/23 15/6 15/25 20/11 21/4 23/20 24/14 24/22 25/24 26/19 27/21 31/20 33/11 33/12 33/22 34/8 34/9 35/9 35/14 35/15 36/13 38/22 40/2 40/6 41/1 44/17 46/14 46/18 48/5 49/3 49/15 51/12 51/23 52/9 52/21 53/5 54/6 54/7 56/4 56/6 allegation [5] 10/1 10/3 16/16 36/17 48/2 allegations [19] 8/12 10/18 11/19 13/16 23/4 23/14 24/15 27/6 45/10 45/14 45/18 46/2 46/18 46/21 47/4 47/7 48/8 50/13 51/21 alleged [10] 9/23 16/14 25/15 45/10 45/15 46/19 46/20 47/3 51/20 52/1 allegedly [2] 24/12 24/13 alleging [2] 12/10 38/17 allowed [5] 30/5 32/23 33/3 35/15 35/16 allowing [1] 41/21 almost [3] 4/11 7/10 55/25 alone [1] 38/16 along [4] 23/5 40/2 40/6 45/5 already [4] 14/21 33/6 33/17 39/4 also [16] 2/19 15/22 19/5 19/7 20/25 23/15</p>	<p>25/22 26/24 29/6 34/13 37/13 45/8 50/2 50/16 51/7 53/5 although [3] 14/5 17/4 54/1 always [9] 20/8 20/12 20/14 22/2 26/21 32/20 35/22 45/11 47/5 am [6] 2/20 19/14 20/2 20/3 47/16 52/2 AMERICA [2] 1/3 2/6 amiss [1] 35/18 amount [2] 17/2 49/24 analysis [1] 45/12 analyze [1] 8/4 Anderson [1] 46/7 Andrew [2] 32/17 32/24 anonymous [1] 18/6 another [10] 7/5 7/5 9/24 9/25 28/14 40/14 44/7 51/8 52/9 53/20 answer [1] 40/3 ante [1] 49/21 anus [1] 7/20 any [15] 2/22 9/22 10/23 16/8 21/10 21/20 28/8 30/9 37/5 38/16 45/5 49/22 51/5 53/1 55/22 anybody [1] 42/24 anymore [2] 8/3 10/12 anyone [2] 33/24 50/3 anything [5] 26/10 36/18 41/2 45/2 52/4 anyway [2] 44/23 55/25 apart [1] 43/24 apparently [2] 46/4 51/14 appeal [2] 53/6 53/7 appearance [1] 46/18 appearing [1] 46/16 Apple [11] 4/1 4/3 4/15 4/24 5/3 18/18 18/20 19/2 19/2 28/6 50/16 apples [2] 50/25 50/25 appreciate [2] 41/21 53/15 approach [1] 15/5 appropriate [1] 53/3 approximate [1] 15/20 are [67] argue [2] 16/11 39/2 arguing [1] 33/10 argument [11] 14/19 22/23 22/24 26/12 26/13 26/16 29/25 43/5 43/6 48/17 50/3</p>
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